THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

W.P.NO.674 OF 2007

Dated 26-04-2007

Between:

Denduluru Distributing Committee,
Rep. by its Vice President and others

…Petitioners

And

Government of Andhra Pradesh,
Rep. by its Secretary to Government,
and others

…Respondents

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ORDER:

The petitioners challenge the proceedings dated 24-04-2006 issued by the 2nd respondent, according permission to respondents 5 to 7 to construct a bridge across Eluru canal. They state that the plan, which was approved through the impugned memo, does not accord with the settled norms, and that the construction would result in obstruction to free flow of water, posing threat to the very safety of the canal. Several other contentions are also urged.

Respondents 1 to 4, on the one hand, and respondents 5 to 7, on the other hand, filed separate counter affidavits. The circumstances that led to the issuance of the impugned proceedings are stated.

Heard the learned counsel for the petitioners; learned Government Pleader for Irrigation, and learned counsel for respondents 5 to 7.

Voluminous correspondence ensued, before and after the impugned proceedings were issued, in favour of respondents 5 to 7. The record discloses that a substantial portion of the construction is over, even by the time the writ petition is filed. The necessity for this Court, to deal with the contentions urged on behalf of the parties, is obviated, on account of a development that has taken place, just before the writ petition came to be filed. The 2nd respondent issued memo dated 31-12-2006, keeping the permission accorded through the impugned proceedings, in abeyance. The petitioners approached

this Court, obviously not being aware of this development. It is stated that the matter is under consideration and examination by various authorities, and the final decision would be taken within a short time. The petitioners can get their grievance redressed, before the concerned respondents.

Hence the writ petition is disposed of, leaving it open to the petitioners to pursue their claims before the 2nd respondent, who in turn shall take the same into account, before he passes any orders, in relation to the resumption of the left over work.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.26-04-2007.

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